

Re: Invitation to discuss further supports available for Hokitika Primary School



Board Trustees <board@hokitika.school.nz>

To Mary Pupich

Cc Megan Hannigan; Scott Bermingham

Follow up. Start by Friday, 19 May 2023. Due by Friday, 19 May 2023.

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Kia ora koutou,

Thank you so much for your valuable time last night Megan and Scott, and for the tact and care you employed communicating available support options for Hokitika Primary School.

The board reached a unanimous decision last night to request LSM support in the areas of Employment, and would like to consider lower support options for the areas of Processes and Procedures, and Communication.

The board have significant concerns as to how we are able to financially support this request and would like MoE to consider any means to assist HPS financially to implement such support.

I look forward to discussing the next steps with any/all of you,

Ngā mihi

Sally

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**Sally Shaw**

**Presiding Member**

Ph: 9(2)(a)

E: 9(2)(a)

Released Under the Official Information Act 1982



12 June 2023

Sally Shaw  
 Presiding Member  
 Hokitika Primary School Board  
 230 Park Street  
 Hokitika 7810

Tēnā koe Sally

### Notice of Statutory Intervention

Megan Hannigan and Scott Bermingham met with your Board to discuss how statutory intervention can help your school. Under section 180 of the Education and Training Act 2020 (the Act), as the Secretary's delegate, I have been directed to appoint a Limited Statutory Manager (LSM) for your Board because of risk to the operation of your school.

I have appointed Dr. Gabrielle Wall as Limited Statutory Manager with the function's powers and duties of the Board in Employment and advisory functions in Communications, and board Policies and Procedures. Gabrielle has the required experience in Employment and Human Resources Management along with Communications skills to undertake the position of LSM.

The notice directing the appointment has been published in the *New Zealand Gazette* and is available via the following link: <https://gazette.govt.nz/>. Gabrielle's appointment takes effect from the date the Gazette notice takes effect.

Gabrielle is expected to use their vested functions, powers and duties to address the identified issues and build the Board's capability to manage all its functions, powers and duties independently.

### Remuneration for Statutory Provider

9(2)(a)

The ongoing maximum monthly hours will be confirmed after this time.

Under section 180(6) of the Act, your school is required to meet the cost of the statutory appointment, unless the Ministry determines otherwise. Scott will inform you as to whether the costs are being met by the School Board or the Ministry.

### Scoping Period and Report

Gabrielle must undertake a four week scoping period, making as full an assessment as possible of:

- all issues facing the school (the facts)
- analysis of the severity and scope of the issues
- evidence to support the analysis
- any issues that were not apparent at the outset
- the level of risk (e.g. an assessment of whether this is lower, equal to or higher than what was originally assessed by the Ministry).

Please note that the scoping report may uncover a need to:

- amend the scope of the current intervention
- replace the current intervention with a lower level of intervention
- replace the current intervention with a higher level of intervention; or
- add another intervention in the school alongside this one.

If any intervention changes are necessary, Scott Bermingham will develop recommendations supporting the approval of these changes and coordinate as applicable.

### **Intervention Outcomes and Outcomes Plan**

The following outcomes are expected as a result of this intervention. The Board will:

- a. Ensure that the school policies and procedures are coherent and fit for purpose.
- b. Effectively manage the performance of the principal, linking the school's strategic direction, goals, priorities and targets, appraisal goals, and appropriate professional learning and development opportunities.
- c. Ensure that regular monitoring, evaluation, and reporting in relation to financial delegations takes place.
- d. Ensure that human resource management procedures and practices promote and support high quality education outcomes and safety.

These outcomes may be amended after the issues have been scoped to reflect any new information found.

After the scoping report has been submitted to the Ministry, Gabrielle will develop an Outcomes Plan. The Outcomes Plan will outline:

- the objectives to be achieved during the intervention, which will contribute to the above intervention outcomes, as agreed by the Ministry
- the planned approach to achieve these objectives
- the expected timeline for achieving these objectives
- any additional support Gabrielle may require
- the intervention costs, including the agreed maximum hours per month and other agreed expenses.

### **Monthly reports to the Board and Ministry**

Gabrielle **must** submit monthly progress reports to the Board and the Ministry with details of:

- any decisions or actions made by the Board as a result of the advice or direction provided by you as the provider (financial or otherwise)
- progress made towards achieving the agreed set of intervention objectives (outlined in Outcomes Plan)
- details of any barriers or challenges to be addressed
- Gabrielle's monthly fees and expenses.

Gabrielle must also report to the Board and/or Ministry (as appropriate under the circumstances) about any matters of particular concern or if the statutory provider encounters any conflicts of interest as the Limited Statutory Manager.

### Review and exit from intervention

I will review the intervention and Gabrielle's appointment within the first year. The intervention will end when it is no longer required or needs to be amended.

As part of the Gabrielle's exit from appointment, she will:

- provide a final report
- manage a handover to the Board or new Statutory Provider
- ensure all relevant documentation that they have created and received in the course of their role is appropriately filed or archived at the school.

Scott Bermingham will accompany Gabrielle to meet with you and the principal to discuss working arrangements, and will continue to support the school and monitor progress of the intervention.

For further information about statutory interventions, please refer to <https://www.education.govt.nz/school/boards-information/boards-of-schools-and-kura/support-for-boards/>

Nāku noa, nā



Mary Pupich  
Acting Director of Education, Nelson/Marlborough/West Coast

cc Principal, Hokitika Primary School  
Statutory Provider



## Terms of Appointment

**Limited Statutory Manager appointment for HOKITIKA PRIMARY SCHOOL, effective from the date specified in the New Zealand Gazette notice.**

**Appointee: Dr. Gabrielle Wall**

### Core Duties

1. You are expected to:
  - Apply the following functions, powers and duties of the Board are to be vested in the Limited Statutory Manager
    - (1) All functions, powers and duties of the board as an employer (whether statutory or otherwise) and
    - (2) advisory functions in Communications and Policies and Procedures.
  - use your functions, powers and duties to achieve the intervention objectives.
  - empower the Board to be able to exercise its powers effectively when the intervention ends, and
  - report immediately to the local Director of Education on any matters of particular concern relevant to the level of risk to the school or if you encounter any conflict of interest as Limited Statutory Manager.
2. You must also:
  - keep an accurate record of any meetings you attend with the Board and/or the Principal, including any decisions you make
  - consult with the Board on actions you wish to take that are likely to have an impact on powers and functions that remain with the Board
  - consider any existing delegations and work with the Principal and Board to make changes if and as required
  - work with the Board and Principal to define responsibilities and boundaries for financial commitment/liabilities
  - work with the Board, and obtain approval where required, to implement any changes that may impact on the Health and Safety of the staff, students or others at the school.
3. You must seek prior approval from the Ministry of Education (the Ministry) if you wish to contract services for the intervention that are outside the scope of costs anticipated in the Outcomes Plan. Details should be recorded in a memo signed by the local Ministry Director of Education.
4. If you will be unable to fulfil your functions, powers or duties for any period of time, you must advise the Board, the Principal and your Ministry contact person, with reasonable notice.

## Getting Started

5. Upon starting your appointment, you must:
  - **contact the Board's insurer** to ensure the Board's powers vested in you are covered by the Board's insurance policy and that you are aware of any conditions required by the insurer
  - **meet with the Board and Principal** to reach an understanding on the working arrangements, responsibilities and boundaries of your vested governance functions, powers, duties, and any conditions on those powers
  - undertake a **scoping period**, in the first four weeks (unless an extension has been approved by the Ministry).

## Situation Background

The relationship between the Board of Trustees and Principal at the school has broken down and has impacted on the boards ability to govern. This breakdown is a risk to the operation of the school

## Scoping Period and Report

6. During the scoping period you must make as full an assessment as possible of the issues facing the school/kura and write this up in a Scoping Report.
7. The Scoping Report must include:
  - the evidence for this scoping;
  - identified strengths;
  - the issues facing the school/kura (the facts) and an analysis of the severity and scope of these issues;
  - issues not apparent at the outset of the intervention; and
  - the overall assessment of risk level.
8. The scoping report must be submitted to your Ministry of Education contact person by the end of the scoping period.
9. The Ministry of Education will use the scoping report to review the broader intervention outcomes and suitability of the current intervention level and scope. If the scoping report uncovers a need to replace the current intervention with a lower or higher level of intervention, your Ministry contact person will develop recommendations supporting the approval of this change and coordinate as applicable.

## Intervention Outcomes Plan and Statements of Effective Governance

10. The Ministry has identified the following (Education Review Office aligned) statements that describe the areas of effective governance that are the focus of this intervention:
  - Ensure that the school policies and procedures are coherent and fit for purpose.
  - Effectively manage the performance of the Principal, linking the school's strategic direction, goals, priorities and targets, appraisal goals, and appropriate professional learning and development opportunities.
  - Ensure that human resource management procedures and practices promote and support high quality education outcomes and safety.
11. From these statements of effective governance, a tailored set of measurable and iterative objectives will be developed by you and updated during the course of the intervention.
12. After you have submitted your Scoping Report, your Ministry Education Adviser will contact you to discuss how and when the Outcome Plan will be completed. The Outcome Plan must outline:
  - the objectives to be achieved during the intervention;
  - the planned approach to achieve these objectives;
  - the indicative timeline for achieving these objectives;
  - the intervention costs, including the agreed maximum hours per month and other agreed expenses; and
  - any significant areas/items of expenditure that may be necessary to achieve the intervention objectives.
13. You are responsible for drafting an Outcomes Plan but should do this in collaboration with your Ministry contact person and the Board.
14. The Ministry of Education will provide you with an Outcomes Plan template for your use.
15. Your finalised Outcomes Plan will be attached as an addendum to this Terms of Appointment document in due course.

### Fees and Hours of Work

16. 9(2)(a)

### Your Reporting Requirements

17. After the scoping period is complete and Outcomes Plan finalised, you must submit monthly progress reports to the Ministry of Education and the Board with details of:
  - any of your decisions/actions (financial or otherwise);
  - any impacts that your decisions have had or may have on the Board's other areas of responsibility;

- a review of the agreed set of objectives outlined in the outcome plan, progress made towards them and any amendments that need to be made to them (recognising that intervention progress and environmental changes may require such changes);
  - details of any barriers or challenges to be addressed; and
  - your monthly fees and expenses.
18. All reports should **not** include:
- specific details about individuals, employment issues or complaints; or
  - details about issues or problems that arise as part of the day-to-day operations of the school/kura.
19. The Ministry of Education will provide you with a monthly reporting template for your use.

### **Ministry Monitoring and Review and Exit from Intervention**

20. This intervention and your appointment will be reviewed against the Outcomes Plan by the Ministry of Education within the first year and annually thereafter. Your appointment will end when one of the following occurs:
- the Minister of Education or delegate is satisfied that the intervention is no longer required; or
  - your appointment and/or the intervention is amended to the extent that your role is no longer required; or
  - you resign.
21. As part of your exit from appointment, you will:
- provide a final report;
  - manage a handover to the Board or new Statutory Provider; and
  - ensure all relevant documentation is appropriately filed or archived at the school, including a record of decisions you made and your decision making process.




## Discussion and Acceptance of Terms Subject to Appointment

### Appointee signature block

My signature below confirms that, should I be appointed to the Limited Statutory Manager role described in this document, I accept the stated terms of the appointment.


Name: Dr. Gabrielle Wall

Signature  Date: 6/6/23

### Key Intervention Contact (Ministry of Education) signature block

My signature below confirms that I have discussed the terms of appointment outlined in this document with the above appointee.

Name: Scott Bermingham, Education Advisor

Signature  Date: 31/05/2023